



54

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,375	10/25/2000	Stein A. Lundby	PA000452	3689

23696 7590 05/08/2003

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
----------	--------------

2666

DATE MAILED: 05/08/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/697,375

**Applicant(s)**

LUNDBY ET AL.

**Examiner**

Ronald Abelson

**Art Unit**

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-17 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 3, 5, and 8 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7 and 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2666

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 2, 3, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersson (US 6,434,380).

Regarding claims 1 and 8, Andersson teaches a method and apparatus for a wireless communication system (fig. 1) operative for transmission of packet data (fig. 1 box 32) and low delay data (fig. 1 box 28) on a plurality of transmission channels.

The system comprises a first set of channels within the plurality of transmission channels, the first set of channels being assigned to packet data transmissions and packet data being transmitted in frames (fig. 1 box 32).

The system comprises a second set of channels within the plurality of transmission channels, the second set of channels being assigned to low delay data transmissions (fig. 1 box 28).

Art Unit: 2666

The system comprises a signaling channel within the plurality of transmission channels, the signaling channel being assigned to message transmissions, wherein each message identifies a packet data target recipient (col. 3 lines 55-58).

Regarding claim 2, a first message is transmitting on the signaling channel concurrently with an associated packet data frame, and wherein the first message identifies a first packet data recipient associated with the first packet data frame (signaling information, col. 3 lines 55-58).

Regarding claim 3, the first message identifies a subset of the first set of channels assigned to transmission of the first data packet (signaling information, col. 3 lines 55-58). Note, a subset can include one member.

Regarding claim 5, a wireless apparatus operative to receive packet data via at least one of the first set of channels and to receive messages via the signaling channel (fig. 1 box 20). The device buffers packet data, determines the target recipient, decodes data and ignores data packets if the wireless apparatus is not the target recipient.

Art Unit: 2666

*Allowable Subject Matter*

3. Claims 13-17 are allowed.

4. Claims 4, 6, 7, and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4 and 9, nothing in the prior art of the record teaches or fairly suggests the first message identifies a coding scheme, in combination with the other limitations listed in the claim.

Regarding claim 6, nothing in the prior art of the record teaches or fairly suggests the target recipient information identifying multiple recipients, in combination with the other limitations listed in the claim.

Regarding claim 13, nothing in the prior art of the record teaches or fairly suggests data rate determination based upon coding information, in combination with the other limitations listed in the claim. Noting applicant's spec, pg. 12 lines 11-12, the data rate is proportional to the number of codes available. In contrast, Cheng (US 6,189,122) teaches the number

Art Unit: 2666


of Walsh code channels is adjustable to provide a dynamic data rate (col. 6 lines 58-63).

**Conclusion**


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

  
Ronald Abelson  
Examiner  
Art Unit 2666

\*\*\*  
April 22, 2003

  
DANG TON  
PRIMARY EXAMINER